

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

BRIAN J. OLIVIER

Vs.

PROGRESSIVE NORTHERN
INSURANCE COMPANY

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C.A. No. _____

NOTICE OF REMOVAL

TO: THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

Defendant, Progressive Northern Insurance Company, respectfully represents as follows:

1. That Progressive Northern Insurance Company, is the sole defendant in a civil action filed against it in the Kent County Superior Court, styled *Brian J. Olivier v. Progressive Northern Insurance Company*, C.A. No. KC 2015-0880. Enclosed herewith is a copy of the original Complaint filed in the Providence County Superior Court. **Exhibit A.**
2. The aforesaid action was commenced with the filing of a Summons and Complaint. Defendant, Progressive Northern Insurance Company, was served with a copy of the Summons and Complaint on or about September 28, 2015. Enclosed herewith is a copy of the served Summons. **Exhibit B.**
3. Certified copies of the entire State Court record will be filed pursuant to Local Rule 81.
4. The Defendant, Progressive Northern Insurance Company, is a foreign corporation domiciled in the State of Wisconsin and has a principal place of business in Cuyahoga County, Ohio.
5. The Plaintiff is a resident of the Town of Coventry, County of Kent, State of Rhode Island.
6. The Defendant, Progressive Northern Insurance Company, and the Plaintiff, Brian J. Olivier, are therefore citizens of different states and are thus completely diverse within the meaning of Title 28 U.S.C. §1332.
7. The amount in controversy, exclusive of interest and costs, exceeds \$75,000.00.
8. Venue properly lies in the District of Rhode Island because the Plaintiff has asserted that he was a resident of the State of Rhode Island at the time of the alleged incident and that the subject incident occurred in the State of Rhode Island. Further, venue is proper because the Plaintiff commenced his initiating civil action in the State of Rhode Island.

9. The above described action, as stated in the Plaintiff's Complaint, is one of which this Court has original jurisdiction pursuant to the provisions of Title 28 U.S.C. § 1332, and is one which may be removed to this Court by the Defendant pursuant to the provisions of Title 28 U.S.C. §§ 1441 (a) and (b).
10. Defendant, Progressive Northern Insurance Company, is the sole defendant named in this action and consents to this action being removed to the United States District Court for the District of Rhode Island.

Wherefore, the Defendant, Progressive Northern Insurance Company, desiring to remove this case to the United States District Court for the District of Rhode Island, prays that the filing of this *Notice of Removal* with this Court and the filing of the *Notice of Filing of Notice of Removal* with this Court and the Clerk of the Court of the Kent County Superior Court shall effect the removal of this matter to this Court.

PROGRESSIVE NORTHERN INSURANCE
COMPANY

By Its Attorneys
BENGTON & JESTINGS, LLP

/s/ C. RUSSELL BENGTON
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Dated: October 15, 2015

CERTIFICATION

I hereby certify that I electronically filed the within *Notice of Removal* with the Clerk of Court on the 15th day of October, 2015 and that such documents are available for viewing and downloading from the Court's ECF System. All counsel of record have been served by electronic means. In addition, I have mailed by regular mail, postage prepaid, or hand delivered, from Bengton & Jestings, LLC, 40 Westminster Street, Suite 300, Providence, RI 02903 a copy of the same on this 15th day of October 2015, to counsel of record as follows:

Michael J. Mulcahy, Esq.
375 Pontiac Avenue
Cranston, RI 02910
mulchaylaw@cox.net

/s/ TODD J. ROMANO